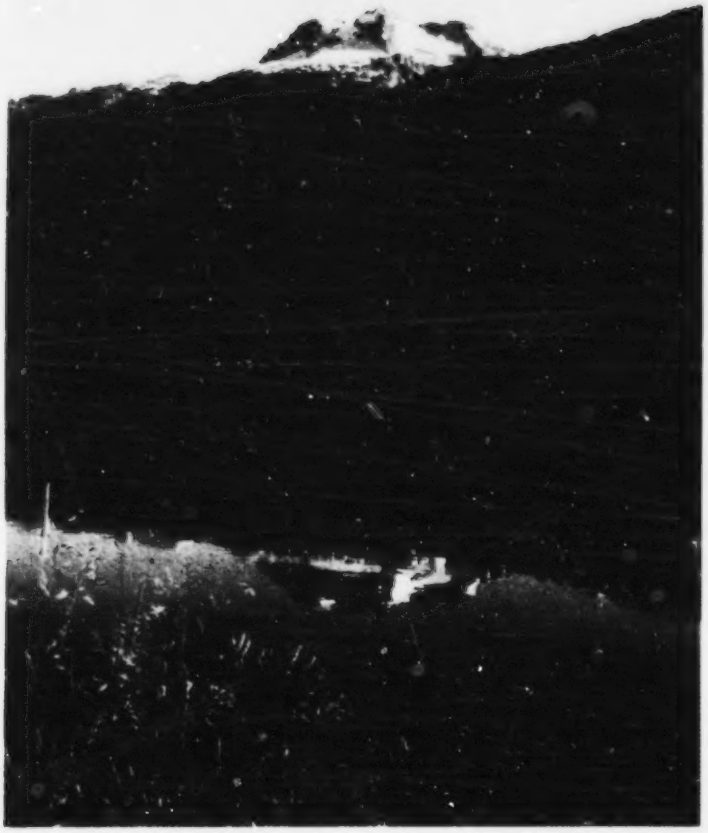
# First Nations Water Rights in British Columbia

*A Historical Summary of the rights of the Iskut First Nation*



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**MINISTRY OF ENVIRONMENT, LANDS and PARKS**
**WATER MANAGEMENT BRANCH**

# *FIRST NATIONS WATER RIGHTS IN BRITISH COLUMBIA:*

## *A Historical Summary of the rights of the Iskut First Nation*



| | |
|---|---|
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Gary Robinson
Project Manager
Water Management Branch

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   1:50,000 Kluachon Lake No. 1

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# FIRST NATION WATER RIGHTS REPORT


**BAND:** Iskut

**ADDRESS:** P.O. Box 30, Iskut, BC V0J 1K0

**CHIEF:** Louis Louie

**PHONE:** 234-3331 **FAX:** 234-3200

**AFFILIATION:** Tahltan Tribal Council


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## LOCATION:

The Iskut Band occupy three reserves located near the Stikine Plateau. Two of the reserves are found southeast of Telegraph Creek and the third in an area east of Kluachon Lake. The reserves range in size from 16.1 to 45.7 hectares. The Iskut reserves include:

Iskut No. 6 Kluachon Lake No. 1 Stikine River No. 7

Stikine River No. 7 is the only reserve for which evidence of water allocations exist. Stikine River No. 7 is a 45.7 hectare reserve located approximately two kilometres southwest of Telegraph Creek, on the left bank of the Stikine River.

The most recent population figures compiled by the Ministry of Finance indicate that the Iskut Bands' total population, including registered and non-registered members living on- and off-reserve, is 484.

The Iskut reserves lie at elevations ranging from 600 to 2,800 metres above mean sea level. The area experiences a climate in which average daily temperatures ranges from a lows of approximately -10 degrees centigrade in January, to a highs of less than 16 degrees centigrade in July. Average annual rainfall for the area totals between 30 and 50 centimeters.

The only water course of significance in terms of allocations to the Iskut Band, is Bench Brook. The brook flows northwest through Stikine Reserve No. 7, and drains into the Stikine River.

## WATER ALLOCATIONS:

There are no records of water allocations made by either the Indian Reserve Commission, the Lieutenant Governor-in-Council (by Order-In-Council), or by the Board of Investigation, with respect to the Iskut Band.

The water rights of the Band have been determined by two actions of government over the years.

1) Granting of water licenses in response to Federal Government applications requesting the authorization for the use of water on reserve lands.

2) Actions to amend, cancel or record as abandoned licensed rights, pursuant to provisions in the *Water Act*.

## HISTORY, CURRENT STATUS AND NOTES:

The history of water rights, the current status of rights, and notes for the Iskut Band with respect to Bench Brook are as follows:

### Bench Brook

**History:**

**Jul 2, 1945** — In accordance with an application made by the Director of Indian Affairs on behalf of the Iskut Band, the Comptroller of Water Rights issued Conditional Water License 16585. The license was assigned a precedence date of May 15, 1945 and authorizes the diversion of 5 acre feet per year (from April 1 to September 30) from Bench Brook for irrigation purposes, on 2 acres of Stikine River No. 7.

**Jul 20, 1948** — In accordance with an application made by the Director of Indian Affairs, on behalf of Iskut Band, the Comptroller of Water Rights granted an extension of time, to December 31, 1949, to facilitate the completion of works required under Conditional License 16585.

**Jan 27, 1951** — A letter from the Comptroller of Water Rights indicated that Conditional Water License 16585 was recorded as abandoned and removed from the registers. A letter dated Jan 23, 1951 from the Indian Commissioner for BC noted that this had occurred because:

*"As the Indians do not return from trapping until July, they have abandoned the idea of irrigating gardens... "*

**Current Status:**

There are currently no active licenses on Bench Brook.

The Water Survey of Canada has no records of streamflow on Bench Brook. No other current sources of water availability information on Bench Brook were located over the course of this study.

**Notes:**

1. The Iskut Band's licensed water rights on Bench Brook were lost as a result of the abandonment of Conditional Water License 16585. It is unclear from the correspondence, whether or not the Iskut Band was consulted directly regarding this abandonment.

## OTHER INFORMATION:

### Groundwater Records:

A review of well records maintained by the MELP - Groundwater Section found that no wells have been reported on the Iskut Reserves.

As the provision of well information to the Groundwater Section is voluntary this review should not be assumed to be complete.

### Alternate Water Sources:

The proximity of the Iskut No. 6 and Stikine River No. 7 to the town of Telegraph Creek presents the potential for water supply to these reserves through connection to the towns municipal water system.

## Summary of Water Records

# Iskut Band

| Water Source | Priority Date | Reserve Name | File No. | Document Type | Status | Superceded By | Licence PUC/MOD & OIC Allotments | Comments |
|---|---|---|---|---|---|---|---|---|
| Bench Brook | 1945/05/15 | Stikine River # 7 | 0156155 | CL 16585 | Abandoned | | 5 AF/Irrigation | Abandonment (Jan 1951): Commisioner stated *"As indians do not return from trapping until July, they have abandoned the idea of irrigating gardens ".* |

**LEGEND:**

**License Types (Document Types)**
CL: Conditional License
FL: Final License
Z: Application

**Mechanisms for Allocation (Document Type)**
OIC: Order-in-Council (as issued by the Lieutenant Governor in Council)
MOD: Minute of Decision (as recorded under the Indian Reserve Commission)
IRC: Indian Reserve Commission
AGBC: Attorney Generals Office of BC (followed by File #)

**Allotment Units**
GAD: Gallons a day
AF: Acre feet
CFS: Cubic feet per second

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PROVINCE OF BRITISH COLUMBIA.

# WATER RIGHTS BRANCH.

DEPARTMENT OF LANDS.

## CONDITIONAL WATER LICENCE.

THE DIRECTOR OF INDIAN AFFAIRS of Ottawa, Ontario, is hereby authorized to divert and use water as follows:—

(a.) The source of the water-supply is Bench Brook sinks on District Lot 3458.

(b.) The point of diversion is located as shown on the attached plan.

(c.) The date from which this licence shall have precedence is 15th May, 1945.

(d.) The purpose for which the water is to be used is Irrigation.

(e.) The maximum quantity of water which may be diverted is 5 acre-feet per annum, and such additional quantity as the Engineer may from time to time determine should be allowed for losses.

(f.) The period of the year during which the water may be used is 1st April to 30th September.

(g.) The land upon which the water is to be used and to which this licence is appurtenant is Indian Reserve No. 7, Stikine River (District Lot 5458 Cassiar District) of which 2 acres may be irrigated.

(h.) The works ~~for the~~ authorized hereunder ~~of the water~~ are dam, flume and ditch, to be located approximately as shown on the attached plan, ~~as shown on the attached plan.~~

(i.) the construction of which shall be commenced on or before the 31st day of October 19 45 and shall be completed and the water beneficially used on or before the 31st day of December 19 47.

ENTERED ON Map No. 53/E-4 By BLK.

Abandoned re LI 2388100 BMC JAN 27 1951

E. Davis.

*Comptroller of Water Rights.*

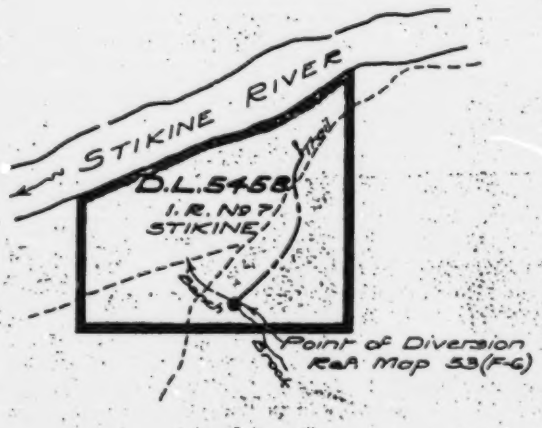
File No. 0156155 Date issued July 2nd, 1945. Licence No. 16585

# British Columbia.

To accompany Conditional Licence No. 16585 Precinct

## STIKINE WATER DISTRICT.

Scale, 20 Chains to 1 Inch.




CASSIAR LAND DIST.

LEGEND

Point of Diversion ●

Ditch & Flume ——— - ———

The boundaries of the land to which this licence is appurtenant are shown thus: ▬▬▬

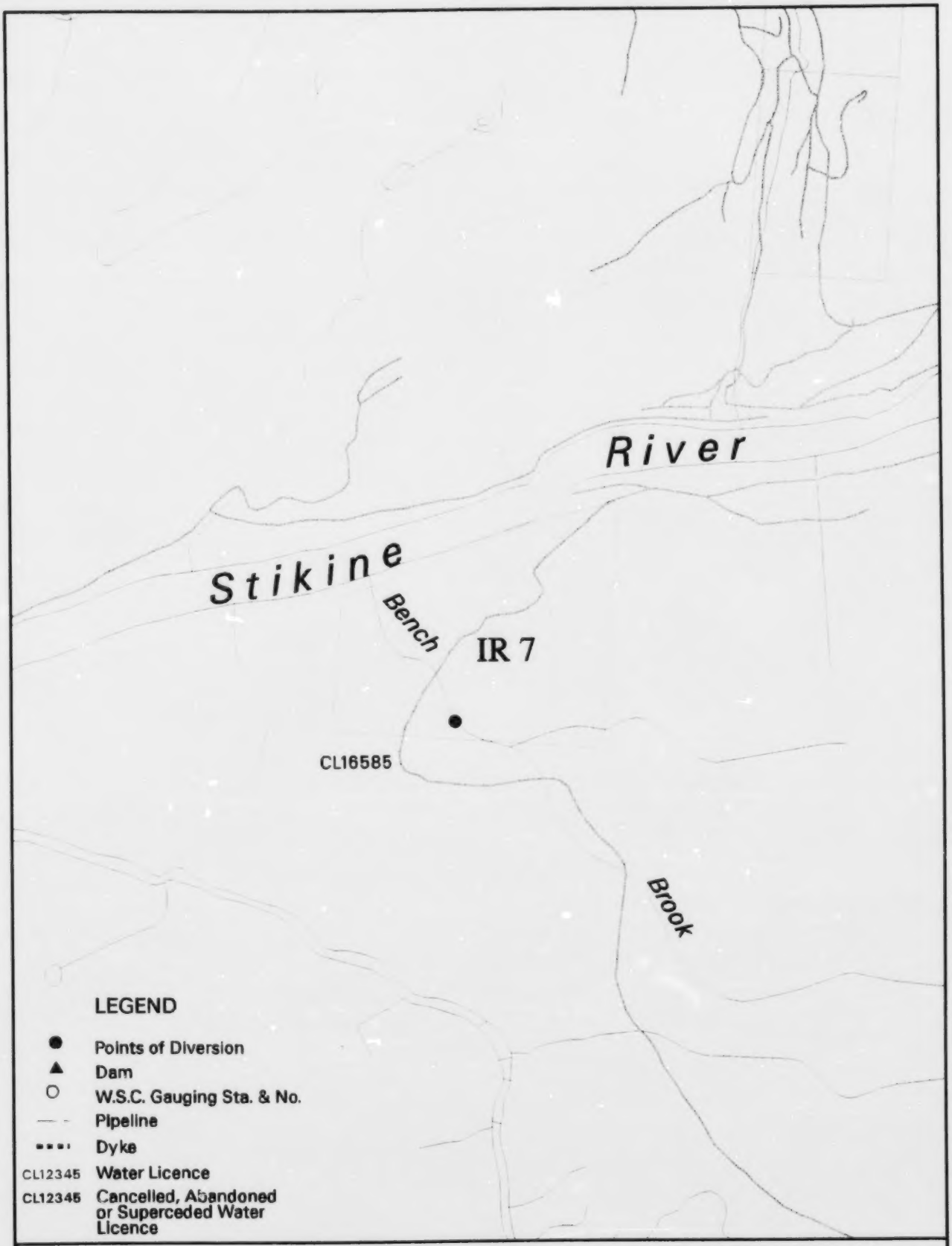
Signature E. Davis

Date 2nd July 1945

EXHIBIT "A"

C.L. 16585

File. 0156165




# ISKUT FIRST NATION

Scale: 1 : 15,000

Ministry of Environment, Lands & Parks | Date: April 2000 | Environment & Lands Division